



Tennessee goes after The Internets

I am starting to think Tennessee doesn't like the Internets. There are two pieces of legislation, which strike me, as odd attempts to regulate and control peoples behavior online int he great Volunteer state.

First is an amendment to Tennessee Code Title 39, Chapter 17, Part 3 of its harassment law, which was previously focused on malicious person-to-person communication, to apply to anyone transmitting potentially offensive images on the web.

The exact language of the law reads:

- (a) A person commits an offense who intentionally:
 - (4) Communicates with another person or transmits or displays an image in a manner in which there is a reasonable expectation that the image will be viewed by the victim by [by telephone, in writing or by electronic communication] without legitimate purpose:
 - (A) (i) With the malicious intent to frighten, intimidate or cause emotional distress; or
 - (ii) In a manner the defendant knows, or reasonably should know, would frighten, intimidate or cause emotional distress to a similarly situated person of reasonable sensibilities; and
 - (B) As the result of the communication, the person is frightened, intimidated or emotionally distressed.

This amendment goes into effect on July 1 and apparently covers all electronic communications, including Facebook and Twitter.

The second strange legislation, as reported by [Mashable](#) and [Associate Press](#), theoretically could make it illegal to share your Netflix's password with your mom. The aim of this legislation is hackers who sell passwords in bulk. "Stealing \$500 or less of entertainment would be a misdemeanor punishable by up to one year in jail and a fine of \$2,500. Theft with a higher price tag would be a felony, with heavier penalties." But this legislation seems poorly drafted and lacks any protection for any sharing of your passwords to any online account with anyone. This law really is about expanding existing notions of "theft-of-cable" laws to account for Internet delivery of "entertainment."

What these two bills have in common is that they both attempt to control and regulate people's behavior online. In the first instance, the state has passed what may very well be an unconstitutional overreach into Nanny state territory. In the second, this is just lazy drafting and a failure to allow reasonable use of such services. Either way, I think Tennessee has it out for the Internets.

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